IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6922 OF 2004

Ramniklal Deoshankar Oza

through his L.Rs. Smt Kantiben ... Petitioners'

Ramniklal Oza & anr

vs

Maganlal Sardar Malshah ... Respondents

..

Mr.A.R.Shaikh for Petitioners

..

CORAM : D.G.KARNIK, J

DATE: 24TH AUGUST, 2004.

P.C.

1. Heard learned counsel for the petitioners.

2. The trial Court as well as the appellate Court have passed a decree for possession on the ground of default in payment of rent. Admittedly, rent was not paid within one month from the date of issuance of the notice. After the suit was filed, rent was deposited in Court. The Courts below have however held that the deposit was not regular. I see no reason to interfere in this finding of fact. Hence,

petition rejected.

3. At the request of the learned counsel for the petitioner, petitioner is granted six months time to vacate the suit premises on his filing usual undertaking of himself and all family members in this Court. Since time is granted without hearing the respondents, respondents shall have the liberty to apply to this Court in the event they feel aggrieved by this part of the order.

D.G.KARNIK, J